

# Certainty of punishment may deter spies more than stiff sentences

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The proliferation of spy cases in the United States has touched off a debate over the need for stiffer sentences for those convicted of peacetime espionage.

With three of the four members of the Walker-family spy ring now sentenced, questions are being raised as to whether the death penalty or life terms with no parole would be more appropriate punishments for espionage. Advocates of harsher penalties say they believe such punishments would improve national security by sending a clear message to those tempted to sell US secrets.

But according to Jack P. Gibbs of Vanderbilt University, an expert on deterrence theory, neither the death penalty nor long prison terms have ever been found by researchers to have a significant impact in deterring criminals. He says it is the certainty of punishment, not the length of a prison term or threat of a death penalty, that deters crime.

On Tuesday, Arthur Walker was sentenced in a Norfolk, Va., federal court to life in prison and fined \$250,000 for his part in the Walker spy ring.

The sentence is tougher than that of his younger brother, John, who is thought to have masterminded the Soviet spy ring. Three weeks ago, John Walker agreed in a Baltimore federal court to plead guilty to espionage charges in exchange for a single life sentence for himself and a 25-year sentence for his son, Michael. The sentences are conditional on John Walker's continued cooperation with US intelligence officials.

The life sentences of both John and Arthur Walker have been criticized by some observers because under federal law both will be eligible for parole in 10 years.

Prosecutors for each case say it is unlikely that either John or Arthur will be granted parole after serving 10 years. Others maintain there is little to prevent that from happening. Critics claim that the treatment of the Walkers sends a dangerous message to Americans who are tempted to spy for a foreign country.

"Whether you are inept at espionage or a perfect pro like John Walker, the mes-

sage is that you can be on the streets within 10 years and then spend those 10 years in prison writing your memoirs and collecting your money," says Paul D. Kamenar, executive director of the Washington Legal Foundation.

Mr. Kamenar maintains that what is needed to deter potential spies are life sentences with no parole, or the death penalty.

Professor Gibbs says such an approach is illusory, "a cheap way of deterring crime." He adds, "What could be cheaper than threatening people."

Gibbs says the only effective means of boosting deterrence for a particular crime is to increase the certainty that any person committing that crime will be punished. He believes that increasing outlays for investigators and other law enforcement personnel offer a more effective deterrence than increasing penalties.

Nonetheless, the Walker spy case has given new momentum to capital punishment bills in Congress, including proposals establishing the death penalty for acts of espionage committed during peacetime. The Senate Judiciary Committee is expected to approve such a measure today.

The Reagan Justice Department has taken a hard line in recent espionage trials as a means of putting potential spies on notice that they will be vigorously pursued and prosecuted to the full extent of the law.

Justice Department spokesman John Russell characterized Arthur Walker's sentence as "harsh." He added, "We are pleased with the sentence."

In an unusual public statement three weeks ago, Navy Secretary John F. Lehman sharply attacked Justice Department officials for "treating espionage as just another white-collar crime." He was particularly critical of the government's plea agreement with John Walker.

Secretary Lehman subsequently retracted his comments, following a rebuke by Defense Secretary Caspar Weinberger.

Justice Department officials defended the plea agreement, noting that US intelligence would gain a full account from John Walker of his espionage activities. In addition, Walker agreed to testify, if asked, in the trial of Jerry Whitworth, the alleged fourth member of the spy ring, whose trial is expected to begin in January.